

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RONALD J. ALLISON,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, et al.,

Defendants.

Case No. 2:21-cv-01542-JAD-NJK

**REPORT AND RECOMMENDATION**

District courts have the authority to dismiss cases *sua sponte* without notice to the plaintiff when he “cannot possibly win relief.” *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988).<sup>1</sup> A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).<sup>2</sup>

<sup>1</sup> As he has done in many other cases, Plaintiff initiated this case without either paying the filing fee or filing an application to proceed *in forma pauperis*. *See* Docket No. 1. Given the Court’s separate ability to dismiss the complaint pursuant to the authority cited above, however, the Court need not proceed through the process of allowing time to pay the filing fee or to file an application to proceed *in forma pauperis*.

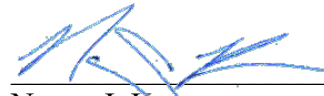
<sup>2</sup> Courts have a duty to construe *pro se* filings liberally. *E.g., Blaisdell v. Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013).

1 Plaintiff's complaint consists of five pages of rambling disgruntlement as to the state's  
2 criminal justice system and its competency determinations. According to Plaintiff, those involved  
3 in that criminal justice system (from attorneys to judges to prison officials to the Stein Forensics  
4 Unit) are engaged in theft, forced slavery, human trafficking, and mass murder. The complaint is  
5 frivolous and delusional and does not state a claim upon which relief can be granted.

6 Accordingly, the undersigned **RECOMMENDS** that Plaintiff's complaint be  
7 **DISMISSED** with prejudice.

8 Lastly, despite the issuance of numerous orders that he cannot do so, Plaintiff has  
9 repeatedly filed new civil cases without paying the filing fee or filing an application to proceed *in*  
10 *forma pauperis*. Moreover, as noted above, this case is frivolous. Plaintiff is **CAUTIONED** once  
11 again that continuing to engage in such conduct may result in the initiation of proceedings by  
12 which he may be declared a vexatious litigant subject to a prefiling injunction.

13 Dated: August 23, 2021.

14   
15 Nancy J. Koppe  
16 United States Magistrate Judge

17 **NOTICE**

18 This report and recommendation is submitted to the United States District Judge assigned  
19 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
20 recommendation must file a written objection supported by points and authorities within fourteen  
21 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
22 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
23 F.2d 1153, 1157 (9th Cir. 1991).